

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                          |   |                       |
|--------------------------|---|-----------------------|
| RODNEY R. JOHNSON, SR.   | ) |                       |
|                          | ) |                       |
| Petitioner,              | ) |                       |
|                          | ) |                       |
| vs.                      | ) | Case No. CIV-10-681-M |
|                          | ) |                       |
| PAUL A. KASTNER, Warden, | ) |                       |
|                          | ) |                       |
| Respondent.              | ) |                       |

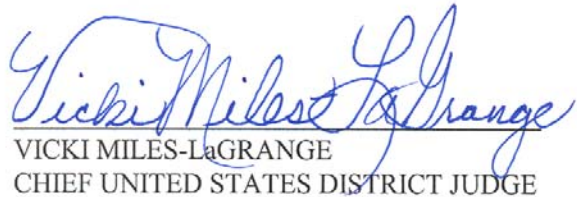
**ORDER**

On July 26, 2010, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241 purportedly challenging the execution of petitioner's sentence. The Magistrate Judge recommends that the instant petition be dismissed because petitioner has raised claims that directly challenge the validity of his convictions and sentence - claims that fall squarely within the purview of § 2255. On August 16, 2010, petitioner was advised of his right to object to the Report and Recommendation, and on August 3, 2010, petitioner filed his objection. While petitioner purports to challenge the execution of his sentence, the Court finds that petitioner, in fact, challenges the validity of his convictions and sentence.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 26, 2010, and
- (2) DISMISSES the Petition seeking habeas corpus relief pursuant to 28 U.S.C. § 2241; and
- (3) ORDERS that judgment in favor of respondent issue forthwith.

**IT IS SO ORDERED this 4<sup>th</sup> day of August, 2010.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE